

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

March 15, 2004

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, March 15, 2004, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Vice-Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36414-070703 adopted by the Council on Monday, July 7, 2003.

PRESENT: Council Members Beverly T. Fitzpatrick, Jr., Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., and Vice-Mayor C. Nelson Harris-----6.

ABSENT: Mayor Ralph K. Smith-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Bishop M. Louis Hardy, Pastor, Prayer Temple Church of Our Lord Jesus Christ.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

FIRE DEPARTMENT - ACTS OF ACKNOWLEDGMENT: The Vice-Mayor presented the Governor's Award for Excellence in Virginia Fire Service Management to Fire/EMS Chief James Grigsby. He advised that the award is presented in recognition of achieving national accredited agency status and improved ISO rating, regional cooperation initiatives, adoption of the Fire/EMS seven year Strategic Business Plan, improvements to equipment and training methodologies, department training, regional cooperation and having received the highest citizen satisfaction rating of any City department over the past three years.

On behalf of the Members of Council and the citizens of the City of Roanoke, the Vice-Mayor congratulated and expressed appreciation to the City of Roanoke's Fire/EMS Department.

CONSENT AGENDA

The Vice-Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to three requests for Closed Session.

MINUTES: Minutes of the regular meeting of Council held on Tuesday, January 2, 2001, and recessed until Tuesday, January 8, 2001; the regular meeting held on Tuesday, January 16, 2001, and recessed until Monday, January 29, 2001; and the regular meeting held on Tuesday, February 17, 2004, were before the body.

Mr. Dowe moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Wyatt, Bestpitch, Cutler, Dowe and Vice-Mayor Harris-----6.

NAYS: None-----0.

(Mayor Smith was absent.)

CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), was before the body.

Mr. Dowe moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Wyatt, Bestpitch, Cutler, Dowe and Vice-Mayor Harris-----6.

NAYS: None-----0.

(Mayor Smith was absent.)

PURCHASE/SALE OF PROPERTY-CITY COUNCIL-CITY PROPERTY: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Dowe moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Wyatt, Bestpitch, Cutler, Dowe and Vice-Mayor Harris-----6.

NAYS: None-----0.

(Mayor Smith was absent.)

CITY COUNCIL: A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a matter of probable litigation, pursuant to Section 2.2-3711(A)(7), Code of Virginia (1950), as amended, was before the body.

Mr. Dowe moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Wyatt, Bestpitch Cutler, Dowe and Vice-Mayor Harris-----6.

NAYS: None-----0.

(Mayor Smith was absent.)

COMMITTEES-TOWING ADVISORY BOARD: A report of qualification of Robert R. Young for a term ending June 30, 2005, and Walter T. Hinkley for a term ending June 30, 2006, as members of the Towing Advisory Board, was before Council.

Mr. Dowe moved that the reports of qualification be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Wyatt, Bestpitch Cutler, Dowe and Vice-Mayor Harris-----6.

NAYS: None-----0.

(Mayor Smith was absent.)

REGULAR AGENDA

SCHOOLS: The Vice-Mayor advised that on July 1, 2004, there will be two vacancies on the Roanoke City School Board, and pursuant to Chapter 9, Education, Code of the City of Roanoke, 1979, as amended, applications from the following persons were received in the City Clerk's Office prior to the 5:00 p.m., deadline on Wednesday, March 10, 2004:

Dennis M. Binns
Chris H. Craft
Robert R. Craig
David M. Dabay
Roddy L. Hiduskey
Glenda D. Lee
Alvin L Nash
Samuel Robinson
Linda F. Wright

Without objection by Council, the Vice-Mayor advised that the applications will be received and filed and Council will select the persons to receive the formal interview at its regular meeting on Monday, April 5, 2004, at 2:00 p.m. (Interviews will be held on Thursday, April 22, 2004, at 4:30 p.m., in the Council Chamber.)

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

ECONOMIC DEVELOPMENT: Phillip F. Sparks, Executive Director, Roanoke Valley Economic Development Partnership, presented the annual report of the Partnership. He advised that the Partnership was founded approximately 20 years ago by five Roanoke Valley governments, and today, six Roanoke Valley governments participate on a per capita basis, providing funding for the marketing of the Roanoke Valley to not only the United States, but throughout the world. He stated that last year, the Partnership, working with governmental partners throughout the Roanoke Valley, announced \$110 million in new projects/capital expenditures; and 2003 was the third best year in the history of the Partnership, with projects in the range of \$25 - \$30 million and more than 1,000 new jobs. He further stated that the Partnership set a \$25 million goal for new investment in fiscal year 2004 and to date, it has reached \$37 million; the goal was to

announce a payroll of \$5.9 million and to date, a payroll of \$9.1 million has been achieved; average salary goal was \$29,000.00 per year and to date, average salary is \$27,000.00; the goal in number of jobs was 200 and has been exceeded by 421 jobs, and local governments have converted 25 per cent of all prospect business. He advised that this is the second year that the Commonwealth of Virginia has chosen not to advertise for economic development, therefore, the level of inquiries to the Regional Partnership has diminished.

On behalf of the Roanoke Valley Economic Development Partnership, Mr. Sparks expressed appreciation for the support of the Members of Roanoke City Council and the City Manager.

Dr. Cutler inquired if the Partnership plans to use the new branding logo, term and design for the greater region; whereupon, Mr. Sparks advised that the Partnership will most likely be one of the lead agencies or organizations to use the logo.

Mr. Fitzpatrick expressed concern with regard to the lack of increased funding by the Commonwealth of Virginia for the Economic Development Partnership and asked that Council be kept informed relative to any financial issues.

TAXICABS AND FOR HIRE VEHICLES: W. E. Roberts, President, Yellow Cab Services of Roanoke, Inc., presented a revised petition for taxicab rate increase. He advised that a rate increase of approximately \$1.00 per trip on the initial drop is proposed, based on an average trip of three miles, which is approximately 15.6 per cent, and is in line with fees charged by other localities throughout the Commonwealth of Virginia. He explained that expenses of the cab company have dramatically increased over the past four years since the last rate increase; and if Yellow Cab Services is to continue to provide vital taxicab service to the Roanoke Valley, periodic rate adjustments will be needed. He called attention to a comparison of Yellow Cab Company rates with other localities in the Commonwealth of Virginia which indicate that the rates charged by Yellow Cab Services are comparatively low.

Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke in support of the request for a rate increase. He advised that taxicabs are more expensive to maintain and to operate than personal automobiles, the requested increase is necessary to fund company expenses, and Yellow Cab Services provides low income people with an opportunity to earn a living.

Mr. E. Duane Howard, 508B Walnut Avenue S. W., advised that in most cities, taxicabs are used by the more affluent; however, in the City of Roanoke taxicab service is needed by those who cannot afford an automobile. He stated that he was not speaking either for or against the request for a rate increase, but asked that serious consideration and evaluation be given to the request of Yellow Cab Company inasmuch as Roanoke's disadvantaged and underprivileged citizens are dependent upon mass transit.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., spoke on behalf of senior citizens who depend upon Yellow Cab Services for transportation. She stated that she was not against an increase in taxicab rates, however, the proposed increase equals approximately 15 per cent for the first three miles and comparisons made by Yellow Cab Services with other localities in the Commonwealth of Virginia are not based upon the same distance traveled. She requested that Yellow Cab Services consider offering senior citizens a discount, which could correlate to the discount offered by Valley Metro, because many senior citizens cannot physically ride a bus and must depend on taxicabs for transportation to address their basic needs since village centers within neighborhood corridors do not currently exist. In summary, she requested that consideration be given to the inaccurate comparison of the City of Roanoke with other localities in Virginia, taxicab drivers in Roanoke do not assist customers with packages or laundry, and some persons cannot afford to pay an increase in taxicab rates.

Without objection by Council, the Vice-Mayor advised that the request of Yellow Cab Services of Roanoke, Inc., would be referred to the City Manager for study, report and recommendation to Council.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

CITY EMPLOYEES-PUBLIC INFORMATION OFFICER: The City Manager introduced Larry Brown, Public Information Officer, effective March 15, 2004.

COMMUNICATIONS DEPARTMENT: The City Manager submitted a communication advising that in 2001, the State of Virginia mandated that localities take responsibility for answering wireless E911 calls, which replaced the previous process of having all wireless calls routed to, and answered by, the State Police; the Virginia State Wireless E911 Services Board provides annual funding to

localities for equipment and limited salaries to support the service; the State currently collects a monthly tax of 75 cents assessed on each wireless telephone user to fund localities for expenses associated with the services; and funding is distributed from the Wireless Services Board (WSB) to localities based on a formula which considers total wireless E911 calls as a percentage of overall E911 call volume.

It was further advised that in 2001, the City of Roanoke received approximately \$250,000.00 from the Wireless Services Board as part of a Phase I program for equipment upgrades and staff support to facilitate the transfer of wireless call services from the State to Roanoke's local 911 Center.

It was explained that on November 12, 2003, the Virginia State Wireless E911 Services Board awarded the City of Roanoke an additional \$78,287.00 as part of a Phase II service expansion; Wireless Phase II is designed to implement the technology that is necessary to enable 911 operators to know, automatically, the location of a cell phone caller using global positioning systems; and installation of the basic infrastructure to identify wireless caller locations is scheduled for completion by June 2004 (It may be several years for cell phones with global positioning technology to be introduced to the marketplace by wireless providers before this capability is fully utilized); and there is no requirement for matching funds for the \$78,287.00 grant.

The City Manager recommended that Council accept funding from the Virginia State Wireless E911 Services Board, increase wireless revenue by \$78,287.00, appropriate \$12,500.00 to E911 Center, Account No. 001-430-4130-2044, for E911 training, and appropriate \$65,787.00 to the E911 Upgrades for Hardware/Software, Account No. 013-430-9870-9007.

Mr. Dowe offered the following ordinance:

(#36640-031504) AN ORDINANCE appropriating funds for E911 wireless equipment and establishing a State grant, amending and reordaining certain sections of the 2003-2004 General and Department of Technology Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36640-031504. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Wyatt, Bestpitch, Cutler, Dowe and Vice-Mayor Harris-----6.

NAYS: None-----1.

(Mayor Smith was absent.)

NEWSPAPERS-LEASES-AIR RIGHTS-BRIDGES: The City Manager submitted a communication advising that in 1984 and in 2002, the City of Roanoke entered into air rights lease agreements with *The Roanoke Times* in order for the Times to construct bridges to span Salem Avenue and Second Street, respectively; as a part of the agreements, *The Roanoke Times* was required to post bonds with the City of Roanoke that are renewable every five years in amounts equal to an estimated cost of removing the bridges over Salem Avenue and Second Street in the event that the bridges fall into disrepair and *The Roanoke Times* is unable to repair them; the amounts for the bonds will be renewed every five years, and in 2004, the amount for the Salem Avenue Bridge was adjusted to \$100,000.00 and in 2002, the Second Street Bridge bond was set at \$250,000.00.

It was further advised that *The Roanoke Times* has requested that it be allowed to either issue five-year bonds or five-year letters of credit for the lease agreements.

The City Manager recommended that she be authorized to execute amendments to the two lease agreements authorizing *The Roanoke Times* to issue either five-year bonds, or five-year letters of credit, such agreements to be approved as to form by the City Attorney.

Mr. Fitzpatrick offered the following ordinance:

(#36641-031504) AN ORDINANCE authorizing the City Manager to execute amendments to the Lease of Air Space Agreement dated April 27, 1984, and the Lease of Air Space and Easement for Support Columns, dated February 7, 2002, between the City of Roanoke and the Times-World Corporation, to permit the Times-World Corporation to issue either five-year bonds or five-year letters of credit as required by the agreements, upon certain terms and conditions, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36641-031504. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Wyatt, Bestpitch, Cutler, Dowe and Vice-Mayor Harris-----6.

NAYS: None-----0.

(Mayor Smith was absent.)

SCHOOLS-REPORTS OF COMMITTEES: A communication from the Roanoke City School Board requesting that Council appropriate \$494,298.00 from the Capital Maintenance and Equipment Replacement Fund for the purpose of replacement of musical instruments, purchase of health, instructional and administrative technology equipment, purchase of district-wide furniture, roof consulting services, installation of flooring, and purchase of food services equipment, was before the body.

The Director of Finance submitted a written report recommending that Council concur in the request of the School Board.

Mr. Dowe offered the following budget ordinance:

(#36642-031504) AN ORDINANCE to appropriate funding for equipment from the Capital Maintenance and Equipment Replacement Program (CMERP) and from the School Food Service Fund balance, amending and reordaining certain sections of the 2003-2004 School and School Food Service Funds Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36642-031504. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Wyatt, Bestpitch, Cutler, Dowe and Vice-Mayor Harris-----6.

NAYS: None-----0.

(Mayor Smith was absent.)

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR, VICE-MAYOR AND MEMBERS OF CITY COUNCIL:

ACTS OF ACKNOWLEDGEMENT-CITY MANAGER-COMMUNICATIONS DEPARTMENT: Council Member Cutler commended the City Manager upon receipt of the *Government Technology* magazine, "Top 25 Doers, Dreamers and Drivers Award".

ACTS OF ACKNOWLEDGEMENT-HOTEL ROANOKE CONFERENCE CENTER: Council Member Cutler commended The Hotel Roanoke and Conference Center upon receipt of the Doubletree Pride Award, The Connie Award and The Annual CARE Award.

BONDS/BOND ISSUES: Council Member Cutler commended actions taken by the Director of Finance which will enable the City of Roanoke to save \$225,000.00 per year over a period of approximately 18 years through bond refinancing.

CITY MARKET-STREET NAMES: Council Member Bestpitch requested that the matter of renaming that portion of 13th Street south of Orange Avenue, "Thomas Market Street", be referred to the City Planning Commission for study, report and recommendation to Council. He also requested that the City Planning Commission work with the appropriate landowners in connection with naming the two plazas that bracket the City Market area and that proposed names be reflective of the City's railroad heritage.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Vice-Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

BRIDGES-COMMITTEES: Mr. E. Duane Howard, 508B Walnut Avenue, S. W., raised questions in regard to the Dr. Martin Luther King, Jr. Bridge Committee; i.e.: composition of the committee, the required number of members to constitute a quorum, the lack of attendance at meetings by some members of the committee, the cost to taxpayers for architects to attend meetings of the committee, why a project of this magnitude was assigned to a small and select group, the role of Council Members Wyatt and Cutler, why would the City spend \$3 million on a bridge when \$47 million is proposed to be spent on the Patrick Henry High School Replacement Project and which project is more important, why is public input on the bridge project scheduled for 2:30 p.m., on a Tuesday at a time when the general public is not available to attend, when the report is submitted to Council, is it morally and ethically right for Council Members Wyatt and Cutler to vote on the issue, and how can a \$500,000.00 Federal grant be used to build a memorial to Dr. King.

FEE COMPENDIUM-ROANOKE GAS COMPANY: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., expressed concern on behalf of senior citizens in regard to the rising cost of gas for home heating purposes. She requested that Council contact officials of Roanoke Gas Company to determine if they would be more lenient in dealing with senior citizens, those persons living on a fixed income, and those customers who pay their bills on time.

CITY MANAGER COMMENTS:

ROANOKE GAS COMPANY: In response to Ms. Bethel's concerns, the City Manager called attention to the City's Fuel Assistance Program which is administered by the Department of Social Services, and encouraged those persons who experienced challenges in paying their fuel bills to contact the Social Services Department.

BUDGET: The City Manager advised that to date, the General Assembly has not adopted a budget on behalf of the Commonwealth of Virginia. She stated that the City of Roanoke supports the Senate version of the budget which does the least amount of harm to localities, and urged that citizens contact the City's representatives to the Virginia General Assembly to insist that a budget be adopted that will do the least amount of harm at the local level to those localities that provide the necessary day-to-day services.

At 3:10 p.m., the Vice-Mayor declared the Council meeting in recess for three Closed Sessions.

At 3:40 p.m., the meeting reconvened in the Council Chamber, with all Members of the Council in attendance, except Mayor Smith, Vice-Mayor Harris presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Cutler moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Wyatt, Bestpitch, Cutler, Dowe and Vice-Mayor Harris-----6.

NAYS: None-----0.

(Mayor Smith was absent.)

COMMITTEES-PENSIONS: The Vice-Mayor advised that there is a vacancy on the City of Roanoke Pension Plan, Board of Directors, created by the resignation of D. Duane Dixon, for a term ending June 30, 2004; whereupon, he opened the floor for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Michael W. Hanks.

There being no further nominations, Mr. Hanks was appointed as a member of the City of Roanoke Pension Plan, Board of Trustees, to fill the unexpired term of D. Duane Dixon, resigned, ending June 30, 2004, by the following vote:

FOR MR. HANKS: Council Members Fitzpatrick, Wyatt, Bestpitch, Cutler, Dowe and Vice-Mayor Harris-----6.

(Mayor Smith was absent.)

Inasmuch as Mr. Hanks is not a resident of the City of Roanoke, Ms. Wyatt moved that the City residency requirement be waived in this instance. The motion was seconded by Mr. Bestpitch and adopted.

CITY CODE-COMMITTEES-HOUSING/AUTHORITY: The Vice-Mayor advised that the terms of office of Frank W. Feather, Bryan Grimes Creasy and Nancy Canova as members of the Fair Housing Board will expire on March 31, 2004; whereupon, he opened the floor for nominations to fill the vacancies.

Mr. Bestpitch placed in nomination the names of Frank W. Feather, Bryan Grimes Creasy and Nancy Canova.

There being no further nominations, Ms. Canova and Messrs. Feather and Creasy were reappointed as members of the Fair Housing Board, for terms ending March 31, 2007, by the following vote:

FOR MS. CANOVA AND MESSRS. FEATHER AND CREASY: Council Members Fitzpatrick, Wyatt, Bestpitch, Cutler, Dowe and Vice-Mayor Harris-----6.

(Mayor Smith was absent.)

PARKS AND RECREATION-COMMITTEES: The Vice-Mayor advised that the terms of office of Gwendolyn W. Mason, David Nixon, Mark Lawrence, and Geraldine LaManna as members of the Parks and Recreation Advisory Board will expire on March 31, 2004; and there is one vacancy on the Parks and Recreation Advisory Board created by the resignation of Brian M. Shepard for a term ending March 31, 2005; whereupon, he opened the floor for nominations to fill the vacancies.

Mr. Dowe placed in nomination the names of Gwendolyn W. Mason, David Nixon, Mark Lawrence, Geraldine LaManna and Thomas Pettigrew.

There being no further nominations, Ms. Mason, Mr. Nixon, Mr. Lawrence, and Ms. LaManna were reappointed for terms ending March 31, 2007; and Mr. Pettigrew was appointed to fill the unexpired term of Brian M. Shepard, resigned, ending March 31, 2005, as members of the Parks and Recreation Advisory Board, by the following vote:

FOR MS. MASON, MR. NIXON, MR. LAWRENCE, MS. LA MANNA AND MR. PETTIGREW: Council Members Fitzpatrick, Wyatt, Bestpitch, Cutler, Dowe and Vice-Mayor Harris-----6.

(Mayor Smith was absent.)

OATHS OF OFFICE-COMMITTEES-HOTEL ROANOKE CONFERENCE CENTER: The Vice-Mayor advised that the term of office of Ralph K. Smith as a member of The Hotel Roanoke Conference Center Commission will expire on April 12, 2004; whereupon, he opened the floor for nominations to fill the upcoming vacancy.

Mr. Bestpitch placed in nomination the name of C. Nelson Harris.

There being no further nominations, Mr. Harris was appointed as a member of The Hotel Roanoke Conference Center Commission, for a term commencing April 13, 2004 and ending April 12, 2008, by the following vote:

FOR MR. HARRIS: Council Members Fitzpatrick, Wyatt, Bestpitch, Cutler, and Dowe-----5.

(Mayor Smith was absent and Vice-Mayor Harris abstained from voting.)

At 3:45 p.m., the Vice-Mayor declared the Council meeting in recess until 7:00 p.m., in the City Council Chamber.

At 7:00 p.m., on Monday, March 15, 2004, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Vice-Mayor C. Nelson Harris presiding.

PRESENT: Council Members Beverly T. Fitzpatrick, Jr., Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., and Vice-Mayor C. Nelson Harris-----6.

ABSENT: Mayor Ralph K. Smith-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with prayer by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGEMENTS: NONE.

PUBLIC HEARINGS:

BONDS/BONDS ISSUES-HOUSING/AUTHORITY-RIVERSIDE CENTRE-PURCHASE/SALE OF PROPERTY: The City Clerk having advertised a public hearing for Monday, March 15, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposed adoption of a resolution authorizing the City to contract a debt and to issue general obligation public improvement bonds of the City, in the amount of \$5,500,000.00, for the purpose of assisting the Roanoke Redevelopment and Housing Authority in paying a portion of the costs of the South Jefferson Redevelopment Project, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, March 1, 2004 and Monday, March 8, 2004; and in the *Roanoke Tribune* on Thursday, March 11, 2004.

The City Manager submitted a communication advising that on March 19, 2001, the City of Roanoke entered into an agreement with Carilion Health System and Carilion Biomedical Institute with regard to development of the South Jefferson Redevelopment Area into a research and technology park; the City's Capital Improvement Program includes funding of \$23.5 million for Phase I of the Riverside Centre for Research and Technology; Phase I includes development of the area north of Reserve Avenue between Jefferson Street and Franklin Road, and has the potential to house one million square feet of office space, with build out expected to take 15-20 years for this phase of the project; and funding for Phase I is provided by the City's 2002 bond issue, sale of property and from the issuance of a future bond issue.

It was further advised that the City of Roanoke Redevelopment and Housing Authority (RRHA) has been negotiating with Roanoke City Mills, Inc., (sometimes called Mennell Mills, and hereinafter referred to as RCM) to purchase RCM's property on the west (Area 1) and east side (Area 3) of Jefferson Street; the other property east of Jefferson Street is in Area 3 and was not scheduled to be

acquired at this time; in order to enter into an agreement with the Housing Authority for purchase of RCM property in Area 1, which is necessary for the redevelopment project to move forward, RCM has also requested that the Housing Authority enter into an agreement for the purchase of RCM property in Area 3; and additional funding needed for property acquisition for Phase I will be provided from the issuance of bonds.

The City Manager recommended that Council adopt a resolution authorizing the sale of bonds for the South Jefferson Redevelopment Project, not to exceed \$5.5 million, and declaring the City's intent to reimburse itself from the sale of such bonds.

Mr. Dowe offered the following resolution:

(#36643-031504) A RESOLUTION authorizing the issuance of five million five hundred thousand dollars (\$5,500,000.00) principal amount of general obligations of the City of Roanoke, Virginia, in the form of general obligation public improvement bonds of such City, the proceeds of which are to be granted by such City to the Roanoke Redevelopment and Housing Authority for the purpose of assisting such Authority in paying a portion of the costs of a redevelopment project in the City, known as the South Jefferson Redevelopment Project; fixing the form, denomination and certain other details of such bonds; authorizing the preparation of a preliminary official statement and an official statement relating to such bonds and the distribution thereof and the execution of a certificate relating to such bonds; as applicable elected representative of such City approving the issuance of such bonds for purposes of Section 147(f) of the Internal Revenue Code of 1986; authorizing and providing for the issuance and sale of a like principal amount of general obligation public improvement bond anticipation notes in anticipation of the issuance and sale of such bonds; and otherwise providing with respect to the issuance, sale and delivery of such bonds and note.

(For full text of resolution, see Resolution Book No. 68.)

Mr. Dowe moved the adoption of Resolution No. 36643-031504. The motion was seconded by Mr. Bestpitch.

The Vice-Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Resolution No. 36643-031504 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Wyatt, Bestpitch, Cutler, Dowe and Vice-Mayor Harris-----6.

NAYS: None-----0.

(Mayor Smith was absent.)

The City Manager submitted a communication advising that on March 19, 2001, the City of Roanoke entered into a Cooperation Agreement with the City of Roanoke Redevelopment and Housing Authority (RRHA) with regard to development of the South Jefferson Redevelopment Area into a research and technology park, which agreement expires on March 19, 2004, but is subject to extension by agreement of the two parties.

It was further advised that the Cooperation Agreement budget of \$14 million allowed for acquisition of property in Areas 1 and 1A only; currently only \$13 million of the total budget has been appropriated by the City; approximately \$1 million of water and sewer funding for related infrastructure has not yet been appropriated and will not be needed, however, in order to obtain certain property in Area 1, the Housing Authority has been negotiating with Roanoke City Mills, Inc., (sometimes known as Mennell Mills and hereinafter referred to as RCM) to purchase RCM's property on the west (Area 1) and east side (Area 3) of Jefferson Street; in order to enter into an agreement with the Housing Authority for purchase of RCM property in Area 1, which is necessary for the redevelopment project to move forward, RCM has requested that the Housing Authority enter into an agreement for the purchase of RCM property in Area 3; RCM property in Area 3 was not scheduled to be acquired at this time, therefore, in 2001, the Housing Authority Cooperation Agreement budget did not include funds to purchase the property; and additional funding will be provided from issuance of General Obligation Public Improvement Bonds, and proceeds from property sales in Areas 1 and 1A.

It was explained that Section One ("Term of SJC Agreement 2") of the South Jefferson Cooperation Agreement 2 between the City of Roanoke and the City of Roanoke Redevelopment and Housing Authority provides that the agreement will expire on March 19, 2004; in order for redevelopment of the area to continue, terms of the agreement must be extended; a five year extension is proposed, with subsequent extensions upon agreement of the parties; the budget needs to be amended to allow for acquisition of RCM property in Area 3; an additional \$8,065,000.00 needs to be incorporated into the amended budget for the

purchase of RCM property; approximately \$2,569,250.00 will come from the proceeds of land sales in Areas 1 and 1A and will be retained by the Housing Authority to be applied to the purchase of RCM property, and the remaining amount (approximately \$5,495,750.00) will come from the issuance of bonds; an amended budget under date of March 11, 2004, reduces the budget by \$1,000,000.00 of water and sewer funding not needed, and increases the budget by \$8,065,000.00 for purchase of RCM property, for a net budget increase of \$7,065,000.00.

The City Manager recommended that she be authorized to execute an Amended South Jefferson Cooperation Agreement 2, in a form to be approved by the City Attorney, providing for a five-year extension, providing for the Housing Authority to seek to acquire RCM property in Area 3, and an amended budget providing for acquisition of RCM property in Areas 1 and 3; approve the amended budget as above described; appropriate \$5,495,750.00 of bond funds to be paid to the Housing Authority per the amended budget; and authorize the City Manager to take such further actions and to execute such documents as may be needed to implement and administer the extended South Jefferson Cooperation Agreement 2 and amended budget.

Mr. Dowe offered the following budget ordinance:

(#36644-031504) AN ORDINANCE to establish additional funding to South Jefferson Cooperation Agreement 2, amending and reordaining certain sections of the 2003-2004 Capital Projects Fund Appropriations and dispensing with the second ready by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36644-031504. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Wyatt, Bestpitch, Cutler, Dowe and Vice-Mayor Harris-----6.

NAYS: None-----0.

(Mayor Smith was absent.)

Mr. Fitzpatrick offered the following ordinance:

(#36645-031504) AN ORDINANCE authorizing the proper City officials to execute an Amended South Jefferson Cooperation Agreement 2 between the City of Roanoke (City) and the City of Roanoke Redevelopment and Housing Authority (RRHA); approving an amended budget for such Amended Agreement; authorizing the City Manager to take such actions and execute further documents as may be needed to implement and administer such Amended Agreement; and dispensing with the second reading by title of this Ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36645-031504. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Wyatt, Bestpitch, Cutler, Dowe and Vice-Mayor Harris-----6.

NAYS: None-----0.

(Mayor Smith was absent.)

EASEMENTS-SIGNS/BILLBOARDS/AWNINGS: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, March 15, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposed encroachment of an overhead sign into the public right-of-way of the sidewalk and extension of an overhead awning into the public right-of-way at 22 Campbell Avenue, S. E., the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, March 5, 2004.

The City Manager submitted a communication advising that Dr. Jill Barksdale, representing Barksdale Vision Center, has requested permission to install an overhead sign and awning on the building located at 22 Campbell Avenue, S. E, which would encroach into the public right-of-way; the proposed sign would encroach approximately 48 inches into the right-of-way of Campbell Avenue, with ten feet of clearance above the sidewalk; the proposed awning would encroach approximately 36 inches into the right-of-way of Campbell Avenue, with ten feet of clearance above the sidewalk; the right-of-way of Campbell Avenue at this location is approximately 60 feet in width; and liability insurance and indemnification of the City and the property owner by the applicant will be provided.

The City Manager recommended that Council adopt an ordinance to be executed by the property owner, to be binding on the property owner and his or her heirs and assigns and to be recorded in the Clerk's Office of the Circuit Court for the City of Roanoke, granting a revocable license to the applicant, to provide for installation of a sign and awning at 22 Campbell Avenue, S. E., encroaching into the public right-of-way of Campbell Avenue.

Mr. Dowe offered the following ordinance:

(#36646-031504) AN ORDINANCE granting a revocable license to permit the encroachment of an overhead sign and awning at a height above the sidewalk of ten (10) feet, with the overhead sign extending forty-eight (48) inches, in the public right of way of 22 Campbell Avenue, S. E., and the awning extending thirty-six (36) inches with a length of seventy-two (72) inches, in the public right-of-way of 22 Campbell Avenue, S. E., from property bearing Official Tax No. 4010316, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36646-031504. The motion was seconded by Mr. Fitzpatrick.

The Vice-Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36646-031504 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Wyatt, Bestpitch, Cutler, Dowe and Vice-Mayor Harris-----6.

NAYS: None-----0.

(Mayor Smith was absent.)

EASEMENTS-SIGNS/BILLBOARDS/AWNINGS: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, March 15, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposed encroachment of an overhead sign into the public right-of-way at 22 Church Avenue, S. W., the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, March 5, 2004.

The City Manager submitted a communication advising that Kamran Karbassiyoon, owner of property located at 22 Church Avenue, S. W., has requested permission to install an overhead sign on the building located at 22 Church Avenue, S. W., which would encroach into the public right-of-way; the proposed sign would encroach approximately 48 inches into the right-of-way of Church Avenue, with approximately ten feet, two inches of clearance above the sidewalk; the right-of-way of Church Avenue at this location is approximately 50 feet in width; and liability insurance and indemnification of the City by the property owner will be provided.

The City Manager recommended that Council adopt an ordinance, to be executed by the property owner and recorded in the Clerk's Office of the Circuit Court for the City of Roanoke, granting a revocable license to the owner, to allow installation of a sign at 22 Church Avenue, S. W., encroaching approximately 48 inches into the public right-of-way of Church Avenue.

Mr. Fitzpatrick offered the following ordinance:

(#36647-031504) AN ORDINANCE granting a revocable license to permit the encroachment of an overhead sign at a height above the sidewalk of ten (10) feet, two (2) inches, extending approximately forty-eight (48) inches in the public right-of-way of 22 Church Avenue, S. W., from property bearing Official Tax No. 1012317, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36647-031504. The motion was seconded by Mr. Dowe.

The Vice-Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36647-031504 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Wyatt, Bestpitch, Cutler, Dowe and Vice-Mayor Harris-----6.

NAYS: None-----0.

AYES: Council Members Fitzpatrick, Wyatt, Bestpitch, Cutler, Dowe and Vice-Mayor Harris-----6.

NAYS: None-----0.

(Mayor Smith was absent.)

OTHER BUSINESS:

ROANOKE CIVIC CENTER-SPORTS ACTIVITIES: Ms. Christy M. Lovelace, 1015 11th Street, N. E., presented petitions in support of keeping the Roanoke Express hockey team in Roanoke Valley for another season.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Vice-Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

(No citizens had registered to speak.)

There being no further business, the Vice-Mayor declared the meeting adjourned at 7:20 p.m.

APPROVED

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor
